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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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APOTHECARY MOVEMENT, LLC, a Utah  
limited liability company,

Plaintiff,

vs.

BH ELEGANT LINENS dba AA  
WHOLESALE DEALS, a New Jersey  
company,

Defendants.

**MOTION AND MEMORANDUM FOR  
ENTRY OF DEFAULT JUDGMENT**

Case No.: 2:23cv00845-DAO

Magistrate Judge Daphne A. Oberg

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Pursuant to Fed. R. Civ. P. 55(b)(1), Plaintiff respectfully moves the Clerk of the Court for entry of a Judgment by Default herein. On Dec. 18, 2023, the Clerk entered a Default Certificate against Defendant. [Doc. 14]. This *Motion* is supported by the *Declaration of Jordan K. Cameron*, Exhibit A, hereto. A copy of a proposed *Default Judgment* is included herewith as Exhibit B and is emailed to the Clerk simultaneously herewith.

Fed. R. Civ. P. 55(b)(1) states, “If the plaintiff’s claim is for a sum certain or a sum that can

be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.”

As grounds, and as more particularly set forth in the *Declaration of Jordan K. Cameron*, the amount of damages for claims of Plaintiff against Defendant can be made certain by computation. Specifically, paragraph 31 of the *Complaint* identifies \$49,614 in overpayments made by Plaintiff to defendant for short-shipped goods. (*Cameron Decl.* at ¶ 10). Paragraph 32 of the *Complaint* identifies losses in the monthly amount of \$169,195 since August 2023. (*Id.* at ¶ 11). Computing \$169,195 from August through the date of this filing, Defendant is liable to Plaintiff for four months of loss, equaling \$676,780. (*Id.* at ¶ 12). Based on the allegations set forth in the *Complaint*, Defendant is liable to Plaintiff for to the total sum of \$726,394, plus post-judgment interest and costs and fees of collection.

### **Conclusion**

Therefore, Plaintiff requested entry of Default Judgment against BH Elegant Linens, LLC dba AA Wholesale Deals in the amount of \$726,394 plus post judgment interest at the statutory rate of 6.73% and cost and fees of collection.

DATED this 18<sup>th</sup> day of December 2023,

CAMERON RINGWOOD, LC

/s/ Jordan K. Cameron  
Jordan K. Cameron  
*Attorneys for Plaintiff*